

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARINGS - December 10, 1969  
April 15, 1970

Appeal No. 10271 Alvin J. Steinberg, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meetings of December 16, 1969 and April 22, 1970.

EFFECTIVE DATE OF ORDER - August 6, 1970

ORDERED:

That the appeal for permission to erect office building with roof structures in accordance with Section 3308, extension of the C-2-A use, bulk and height not to exceed 35 feet and for accessory parking on R-2 portion of lot at southeast corner of Georgia Avenue and Hemlock Street, NW., Lot 804, Square 2962, be conditionally granted as amended.

FINDINGS OF FACT:

1. The subject property is located in part in the C-2-A zoning district and partially in the R-2 District at the southeast corner of Georgia Avenue and Hemlock Street, NW. The lot is split zoned C-2-A along the Georgia Avenue frontage and R-2 along the 9th Street frontage. The C-2-A zoning extends to a depth of 100 feet from Georgia Avenue.

2. The property is currently without a permanent building structure and is currently used for the sale of automobiles.

3. Appellant proposes to erect a five (5) story office building with penthouse to house stairway and elevator equipment.

4. It is requested to extend the C-2-A use, bulk and height limitations of the proposed building no more than 9 feet into the R-2 portion of the lot. Additionally, appellant proposes to establish required parking on the rear portion of the R-2 zoned property.

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5. The subject **property** was in single ownership on May 12, 1958, the effective date of the Zoning Regulations.

6. The gross floor area of the proposed building will be 49,650 square feet with an FAR of 2.14.

7. The total area of the roof structure will be 1,120 square feet with an FAR of .0225.

8. The material and color of the street facade of the proposed building will be brick, medium grey color.

9. The material and color of the roof structure will be brick, medium grey color.

10. This appeal was filed and heard under plan by Chapman and Miller, architects, drawings No. 1,2 and 3, approved as noted by Arthur P. Davis, architect-member of the Board on December 15, 1969.

11. The Department of Highways and Traffic offered no objection to the granting of this appeal.

12. Opposition to the granting of this appeal was registered at the public hearing based on increased traffic congestion and on the adverse effect such a structure and parking would have on the residential property values.

13. The Board in executive session December 16, 1969 conditionally granted this appeal on condition that [a] the proposed six (6) foot designed masonry wall be removed no less than 100 feet from 9th Street; [b] that the rear yard be measured from the rear building wall in closest proximity to 9th Street to the six (6) foot designed masonry wall; [c] that there be no parking between the six (6) foot designed masonry wall and 9th Street.

14. Appellant appeared at the February 18, 1970 public hearing and requested an amendment to the decision entered December 16, 1969 to permit the six (6) foot designed masonry wall to be removed no less than 70 feet from 9th Street; to permit parking between the rear building wall and the six (6) foot designed masonry wall and to permit the parking computation for the first floor to include only one-fifth of the area devoted to lobby and service core and the remaining four-fifths to be computed as part of the upper four floors.

15. The Board ordered a rehearing of the appeal. A new public hearing was held on April 15, 1970.

16. Upon rehearing, appellant reinstated its request for amendment as set forth in the February 18, 1970 public hearing.

17. Opposition to the granting of the rehearing and proposed amendments was registered at the public hearing alleging that no new evidence was presented upon rehearing which was not or could not have been reasonably presented at the original hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that the roof structures of the proposed office building will harmonize with the street frontage of the building in architectural character, material and color. The roof structures are in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of nearby and adjoining property.

OPINION Cont'd:

We are also of the opinion, subject to the following conditions hereinafter set forth, that the proposed parking facilities will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said regulations and map.

This Order shall be subject to the following conditions:

- [a] A seventy foot (70) setback from 9th Street with a six (6) foot designed masonry wall with bumper stops shall be erected and shall extend to the C-2-A zone on the southside of the proposed office building.
- [b] The subject masonry wall is to be approved by the Board.
- [c] The parking computation shall be based upon assigning one-fifth of the area devoted to lobby and service core to the first floor and the remaining four-fifths shall be allocated to the upper four office floors.
- [d] All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- [e] An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- [f] Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- [g] No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

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[h] All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

[i] No other use shall be conducted form or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located.

[j] Any lighting used to illuminate the parking lot or its accessory building shall be so arranted that all direct rays of such lighting are confined to the surface of the parking lot.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By : \_\_\_\_\_  
PATRICK E. KELLY  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.